

HOUSE BILL 1279

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 41
and Title 68, relative to the exposure of certain
public employees to certain infectious diseases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-10-116, is amended by deleting
the section in its entirety and substituting instead the following:

68-10-116.

(a)

(1) If, during the course of arresting, transporting, or processing a person charged with the commission of a criminal offense, a law enforcement officer is exposed to the blood or other body fluid of the arrested person in any manner that presents a significant risk of transmission of the hepatitis B virus or the HIV/AIDS virus, then the exposed officer has the right to request that the arrested person's blood be tested for the presence of the hepatitis B virus and the HIV/AIDS virus.

(2) If, during the course of receiving, analyzing, or transporting the blood or other body fluid of any person who has been arrested and charged with a criminal offense, an employee of any of the Tennessee bureau of investigation's crime laboratories is exposed to the blood or body fluid in any manner that presents a significant risk of transmission of the hepatitis B virus or the HIV/AIDS virus, then the exposed employee has the right to request that the arrested person's blood be tested for the presence of the hepatitis B virus and the HIV/AIDS virus.

(3) If, while acting in the scope of duty, a fire fighter, emergency medical technician-paramedic, or emergency medical technician is exposed to the blood or other body fluid of an arrested person in any manner that presents a significant risk of transmission of the hepatitis B virus or the HIV/AIDS virus, then the exposed individual has the right to request that the arrested person's blood be tested for the presence of the hepatitis B virus and the HIV/AIDS virus.

(b) Testing shall occur at a licensed health care facility, with the cost to be paid by the state, county, or municipal subdivision that employs the law enforcement officer, fire fighter, emergency medical technician-paramedic, emergency medical technician, or employee of the crime laboratory of the Tennessee bureau of investigation. Any person who, acting at the written request of a law enforcement officer, fire fighter, emergency medical technician-paramedic, emergency medical technician, or employee of the crime laboratory of the Tennessee bureau of investigation, withdraws blood from a person for the purpose of making the test, shall not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person withdrawing the blood. Neither shall the hospital or licensed health care facility incur, except for negligence, any civil or criminal liability as a result of the act of withdrawing blood from any person. The results of the testing shall be confidential; provided, that the law enforcement officer, fire fighter, emergency medical technician-paramedic, emergency medical technician, or employee of the crime laboratory of the Tennessee bureau of investigation, exposed to the blood or other body fluid shall have the right to request the results of the testing and the person providing the test results shall be immune from liability in the same manner as is provided in § 68-10-115.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.